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June 24, 2019

VIA ELECTRONIC FILING

The Honorable Jocelyn G. Boyd
Chief Clerk/Administrator
Public Service Commission of South Carolina
101 Executive Center Drive
Columbia, South Carolina 29211

Re: South Carolina Energy Freedom Act (H.3659) Proceeding to Establish Each Electrical Utility's Standard Offer, Avoided Cost Methodologies, Form Contract Power Purchase Agreements, Commitment to Sell Forms, and Any Other Terms or Conditions Necessary (Includes Small Power Producers as Defined in 16 United States Code 796, as Amended); Docket No. 2019-176-E

Dear Ms. Boyd:

Enclosed for filing on behalf of Dominion Energy South Carolina, Inc. ("DESC") is the Response in Opposition to Johnson Development Associates, Inc. and South Carolina Solar Business Alliance, Inc.'s Joint Petition to Set Consolidated Schedule. DESC's Response has been filed in the above-referenced docket as well as Docket Nos. 2019-184-E, 2019-185-E, and 2019-186-E.

By copy of this letter DESC is providing a copy of the Response to the parties of record and encloses a certificate of service to that effect.

If you have any questions or need anything further, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'K. Chad Burgess', written over a horizontal line.

K. Chad Burgess

KCB/kms
Enclosures

The Honorable Jocelyn G. Boyd

June 24, 2019

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cc: Nanette S. Edwards, Esquire
Andrew M. Bateman, Esquire
Jeffrey M. Nelson, Esquire
Carri Grube-Lybarker, Esquire
Becky Dover, Esquire
James Goldin, Esquire
Richard L. Whitt, Esquire
Weston Adams III, Esquire
Rebecca J. Dulin, Esquire
Heather Shirley Smith, Esquire
(all via electronic mail and U.S. First Class Mail w/enclosure)

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2019-176-E

June ^{24th}, 2019

IN RE:

South Carolina Energy Freedom Act
(H.3659) Proceeding to Establish
Each Electrical Utility's Standard
Offer, Avoided Cost Methodologies,
Form Contract Power Purchase
Agreements, Commitment to Sell
Forms, and Any Other Terms or
Conditions Necessary (Includes Small
Power Producers as Defined in 16
United States Code 796, as Amended)

DOMINION ENERGY SOUTH
CAROLINA, INC.'S RESPONSE
IN OPPOSITION TO JOHNSON
DEVELOPMENT ASSOCIATES,
INC. AND SOUTH CAROLINA
SOLAR BUSINESS ALLIANCE,
INC.'S JOINT PETITION TO SET
CONSOLIDATED SCHEDULE

Pursuant to S.C. Code Ann. Reg. 103-829(A) (2012), Dominion Energy South Carolina, Inc. ("DESC" or the "Company") herein responds in opposition to the Joint Petition to Set Consolidated Schedule ("Joint Petition") filed by Johnson Development Associates, Inc. ("JDA") and the South Carolina Solar Business Alliance, Inc. ("SCSBA") (collectively, the "Petitioners").¹ For the reasons discussed below, the Petition should be denied and, as requested by DESC in its letter filed in the above-captioned docket on June 17, 2019, Docket No. 2019-176-E should be administratively closed.

¹ Although the Petitioners elected to file the Joint Petition in Docket No. 2019-176-E, they also requested that any Commission Order granting the requested relief be made applicable to Docket Nos. 2019-184-E, 2019-185-E, and 2019-186-E. Presumably for this reason, a docket entry for the Joint Petition was created in each of these dockets. Accordingly, and out of an abundance of caution, DESC is filing this Response in Docket Nos. 2019-176-E, 2019-184-E, 2019-185-E, and 2019-186-E.

BACKGROUND

On May 23, 2019, the Public Service Commission of South Carolina ("Commission") Staff opened the above-captioned docket in response to 2019 Act No. 62, which required the Commission to "establish each electrical utility's standard offer, avoided cost methodologies, form contract power purchase agreements, commitment to sell forms, and any other terms or conditions necessary" (the "PURPA Implementation and Administrative Provisions"). S.C. Code Ann. § 58-41-20(A). At its May 29, 2019, Business Meeting, however, the Commission approved a motion directing the Commission Staff to initiate separate proceedings for each electrical utility in order to address the PURPA Implementation and Administrative Provisions for each individual utility. *See* Motion 5 dated May 29, 2019 filed in ND-2019-11-E. Thereafter, the Commission opened dockets for each of the electrical utilities, including Docket No. 2019-184-E for the purpose of establishing the PURPA Implementation and Administrative Provisions for DESC.

On June 17, 2019, DESC filed a letter in the above-captioned docket requesting that the Commission administratively close Docket No. 2019-176-E and asserting that it is appropriate for the PURPA Implementation and Administrative Provisions to be separately considered for each electrical utility as opposed to a single, generic docket. By letter dated June 18, 2019 ("JDA Letter"), JDA requested that the Commission keep Docket No. 2019-176-E open and to consolidate common issues for consideration in that proceeding. On that same day, JDA and SCSBA submitted joint comments ("Joint Comments") on this matter setting forth a proposed procedural

schedule that effectively would require consolidation of the utility specific dockets and Docket No. 2019-176-E. The Joint Petition followed and requested similar Commission action.

DESC asserts that the position advanced in its June 17, 2019, letter filed in the above-captioned docket fully responds to and adequately addresses the positions advanced in the JDA Letter, the Joint Comments, and the Joint Petition.² Out of an abundance of caution, however, DESC provides this formal Response in Opposition to the Joint Petition to set forth its position regarding the Petitioners' requests and assertions.

ARGUMENT

DESC submits that ~~the~~ Petitioners' request to establish a ~~consolidated~~ procedural schedule in Docket No. 2019-176-E is both unnecessary and unwarranted and, if granted, would only serve to create confusion and unduly burden the limited administrative resources of the Commission and the parties.

The plain language of S.C. Code Ann. § 58-41-20(A) provides that the Commission "shall open a docket for the purpose of establishing each electrical

² By letter dated June 20, 2019, Duke Energy Carolinas, LLC and Duke Energy Progress, LLC (collectively, "Duke Energy") responded to the requests made by JDA and SCSBA in the JDA Letter and the Joint Comments. Therein, Duke Energy asserted that:

The procedural approach to implementing PURPA Implementation and Administrative Provisions of the Act set forth by [JDA] and SCSBA ... is in clear violation of the requirements of S.C. Code Ann. Section 58-41-20(A)(2); fails to provide adequate time for the Commission to consider the complex and numerous issues required to be addressed by the Commission; and deprives the Commission and other parties the right of procedural due process.

In additions to the issues identified herein, DESC concurs with the arguments presented by Duke Energy in its June 20, 2019 letter and asserts that the Joint Petition should be denied for those same reasons.

utility's standard offer, avoided cost methodologies, form contract power purchase agreements, commitment to sell forms, and any other terms or conditions necessary to implement" the requirements of this section. (Emphasis added). Similarly, the Commission is required, within six months after the effective date of 2019 Act No. 62, to approve "each electrical utility's standard offer, avoided cost methodologies, form contract power purchase agreements, commitment to sell forms, and any other terms or conditions necessary to implement" the requirements of this section. *Id.* (emphasis added). By opening dockets to address these issues for each electrical utility, the Commission therefore properly recognized that 2019 Act No. 62 requires these issues to be separately considered for each electrical utility, as opposed to a single, generic docket.

In addition, considering the PURPA Implementation and Administrative Provisions in a single proceeding for all electrical utilities would not advance administrative economy or simplify the Commission's consideration of these matters. Many issues pertaining to avoided costs and the underlying methodologies are unique to each electrical utility and can vary significantly due to differences in the number and type of customers, energy and demand needs and forecasts, generation characteristics, and a number of other factors. Therefore, attempting to analyze and study these issues for all electrical utilities on a consolidated basis would add unnecessary confusion to an already complex matter; unduly burden the Commission, its Staff, and, the interested parties; and likely enlarge, not decrease, the time required to consider these matters.

DESC therefore asserts that the Petitioners' request, if granted, would create unnecessary confusion and needlessly require the Commission, the electrical utilities, and other interested parties to duplicate their efforts. In contrast, administratively closing Docket No. 2019-176-E and considering the PURPA Implementation and Administrative Provisions in separate utility specific dockets, as reflected in the motion approved by the Commission on May 29, 2019, would allow these issues to be decided in a more efficient, practicable, and timely manner.

CONCLUSION

For the reasons set forth above, DESC respectfully requests that the Commission deny the Joint Petition, administratively close Docket No. 2019-176-E, and grant such other and further relief as is just and proper.

Respectfully submitted,



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Cayce, South Carolina
 June 24, 2019

BEFORE
THE PUBLIC SERVICE COMMISSION
OF
SOUTH CAROLINA
DOCKET NO. 2019-176-E

IN RE:

South Carolina Energy Freedom Act (H.3659))	
Proceeding to Establish Each Electrical Utility's)	
Standard Offer, Avoided Cost Methodologies,)	
Form Contract Power Purchase Agreements,)	CERTIFICATE
Commitment to Sell Forms, and Any Other Terms)	OF SERVICE
or Conditions Necessary (Includes Small Power)	
Producers as Defined in 16 United States Code)	
796, as Amended))	
)	

This is the certify that I have caused to be served this day one (1) copy of Dominion Energy South Carolina's **Response in Opposition to Johnson Development Associates, Inc. and South Carolina Solar Business Alliance, Inc.'s Joint Petition to Set Consolidated Schedule** via electronic mail and U.S. Mail to the persons named below at the addresses listed:

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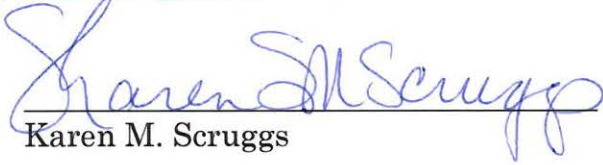
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Karen M. Scruggs

Cayce, South Carolina

This 24th day of June, 2019